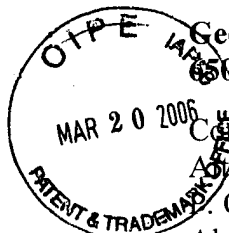


3-21-06

TFW

2667



George S. Cole, Esq.
650-322-7760 (TEL); 650-322-6117 (FAX)

495 Seaport Court, Suite 101
Redwood City, CA 94063

Commissioner For Patents
Attn: Examiner Blanche Wong, Art Group 2667
P. O. Box 1450
Alexandria, VA 22313-1450

Mar. 20th, 2006

Re: Application 09/878,789 Agee et al.

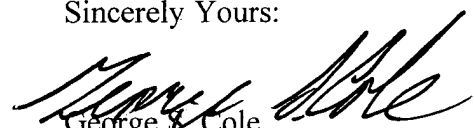
Dear Examiner Wong:

Enclosed is the copy of the Notice of Non-Compliant Amendment of 2-21-06 for the above-numbered patent, and the Response thereto with the requested corrections.

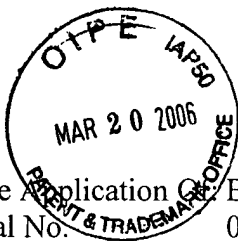
I have shown the changes, as requested, with underlining rather than brackets.

At this time, I believe the application is in proper form and ready to issue, and request that that occur.

Sincerely Yours:


George S. Cole
PTO Reg. # 40,563

GSC/ms



In Re Application of Brian G. Agee et al. |
Serial No. 09/787,789 |
Filed: 06/10/2001 |
For: Method and Appara...|

Examiner: Blanche Wong
Group Art Unit: 2667
Atty. Docket No:
Date: Mar. 20th, 2006

THE COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

SIR: Transmitted herewith are:

☒ a Response to the Notice of Non-Compliant Amendment for the above application.

☒ an edited copy of the revised claims, with a claims listing and claims status, pursuant with 37 CFR 1.21

☒ The Commissioner is herewith authorized to charge payment of the necessary fees, or credit any overpayment to Deposit Account 50-0705 associated with this communication for any related purpose, including: (A DUPLICATE COPY OF THIS SHEET IS ENCLOSED)

☒ Any additional filing fees required for presentation of extra claims
☒ Any extension or petition fees.

☒ Small entity status for this application under 37 CFR §1.9 and 1.27 has been established by a verified statement previously submitted.

Respectfully Submitted:

George S. Cole, Esq.
PTO #40,563

495 Seaport Court, Suite 101
Redwood City, CA 94063
Tel: (650) 322-7760
Fax: (650) 322-6117
GSCdLawyer@aol.com



In Re Application Of: Brian G. Agee | Examiner: Blanche Wong
Serial No. 09/787,789 | Group Art Unit: 2667
Filed: 06/10/2001 | Atty. Docket No:
For: Method and Appara... | Date: Mar. 20th, 2006

THE COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

SIR: Transmitted herewith are:

☒ a Response to the Office Action for the above application.

☒ an edited copy of the revised claims, with a claims listing and claims status, pursuant with 37 CFR 1.21

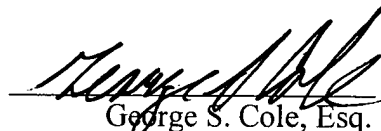
☒ The Commissioner is herewith authorized to charge payment of the necessary fees, or credit any overpayment to Deposit Account 50-0705 associated with this communication for any related purpose, including: (A DUPLICATE COPY OF THIS SHEET IS ENCLOSED)

☒ Any additional filing fees required for presentation of extra claims

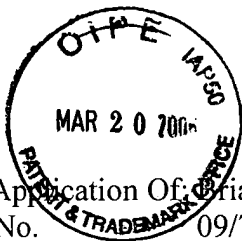
☒ Any extension or petition fees.

☒ Small entity status for this application under 37 CFR §1.9 and 1.27 has been established by a verified statement previously submitted.

Respectfully Submitted:


George S. Cole, Esq.
PTO #40,563

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In Re Application Of: Brian G. Agee et al. |
Serial No. 09/787,789 |
Filed: 06/10/2001 |
For: Method and Appara...|

Examiner: Blanche Wong
Group Art Unit: 2667
Atty. Docket No:
Date: Mar. 20th, 2006

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

This is in response to the Notice of Non-Compliant Amendment mailed 2/21/2006, a copy of which is enclosed.

CHANGES TO THE CLAIMS

The only objection to the previously-submitted Claims listing was that brackets “[]” had been used to indicate changes, rather than underlining.

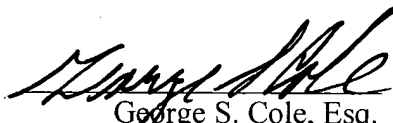
All of the text previously indicated as having been changed by brackets, has now been underlined, and those brackets removed.

If the Examiner or Supervising Examiner has any questions or wishes to discuss this matter she or he is urged to contact the Applicant's attorney, George S. Cole, Esq., using the phone, fax, or email below.

A claims listing with the status of each claim, with the claims in ascending order, and with the text of the claim, has been appended to this Response. This listing of claims will replace all prior versions, and listings, of claims in the application.

The Applicant believes that these claims are now all in presently allowable, correct, and proper form, and respectfully asks that a timely Notice of Allowance be issued in this case.

Respectfully Submitted:


George S. Cole, Esq.
PTO #40,563

495 Seaport Court, Suite 101
Redwood City, CA 94063
Tel: (650) 322-7760
Fax: (650) 322-6117
GSCdLawyer@aol.com

EXPRESS MAIL CERTIFICATE

"Express Mail" mailing label No: _____EQ 199949723 US_____

Date of Deposit: _____Mar. 20th, 2006_____

I hereby certify that the following documents:

-
- Cover letter to Examiner;
 - Copy of Notice of Non-Compliant Amendment;
 - Response;
 - Compliant Amendment to Claims in Claims Listing

(changes marked by underline);

and,

- a copy of this Express Mail Certificate;
-

are being deposited in a single envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and such envelope is addressed to:

Mail Stop Non-Fee Amendment

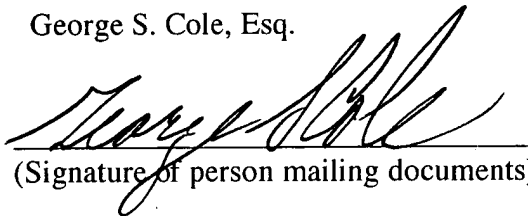
Attn: Examiner Blanche Wong, Art Unit 2667

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450.

George S. Cole, Esq.

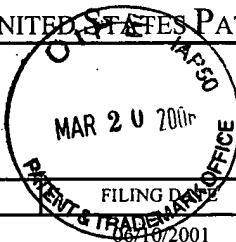


(Signature of person mailing documents)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,789	06/10/2001	Brian G. Agee		1456

7590

02/21/2006

George S. Cole, Esq.
495 Seaport Court, Suite 101
Redwood City, CA 94063

EXAMINER

WONG, BLANCHE

ART UNIT PAPER NUMBER

2667

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

09/878,789

Examiner

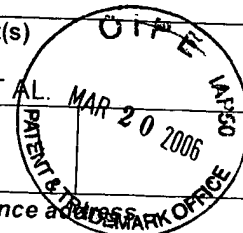
Blanche Wong

Applicant(s)

AGEE ET AL.

Art Unit

2667



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.

The amendment document filed on 12 January 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.
- ☐ B. New paragraph(s) should not be underlined.
- ☐ C. Other _____

☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
- ☐ B. Other _____

☐ 3. Amendments to the drawings:

- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
- ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
- ☐ C. Other _____

☒ 4. Amendments to the claims:

- ☐ A. A complete listing of all of the claims is not present.
- ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
- ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
- ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
- ☒ E. Other: See Continuation Sheet.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:


1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

Extensions of time are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Continuation of 4(e) Other: The text of any added subject matter must be shown by underlining the added text.


CHI PHAM
PERMISSORY PATENT EXAMINER
TECHNOLOGY CENTER 22
2/17/06